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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/772,158

02/04/2004

Philippe Fanelli

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03/16/2005

BLACK LOWE & GRAHAM, PLLC
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SEATTLE, WA 98104

EXAMINER

SHAFFER, RICKY D

ART UNIT

PAPER NUMBER

2872

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/772,158

Applicant(s)

FANELLI ET AL.

Examiner

Ricky D. Shafer

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 3,6-8,12 and 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 5 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charlet ('551).

Charlet discloses a rear view mirror assembly comprising a swivel pin (22) coaxially inserted through a ring-shaped holed element (28) connected to a frame (24) of said mirror, said swivel pin (22) having at a first end a flange (34) and at a second end at least a retaining configuration (42) adapted for being fixed on corresponding retaining configuration (46) of a base (16) connected to a vehicle, an elastic member (32) being arranged between said flange (34) and a support (44) of said holed element (28) acting by compression in a direction parallel to the axis of the swivel pin (22) to secure a contact under pressure between a lower part (36) of the holed element (28) and a seat (20) of said base (16), with the possibility of turning within an angle limited by respective stops, characterized in that said elastic member (32) comprises a hollow cylinder arranged as a skirt from the peripheral edge of the flange (4) towards said second end of the swivel pin (22), coaxially to it, said hollow cylinder being provided with at least an opening (the gap or open width between adjacent windings/strips) having a suitable configuration to provide the hollow cylinder with an elastic property, and said at least one opening defining in the hollow cylinder at least one helical strip, note figures 1-12 along with the associated description thereof, except for the hollow cylinder being molded of a plastic material.

It is well known to manufacture coil springs of a plastic material in an analogous art for the purpose reducing weight, corrosion, conductivity, vibrations, inertia and/or internal damping.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the elastic member of Charlet to include a plastic material, as is well known in the art, in order to reduce manufacturing costs, reduce the weight of the mirror assembly, reduce the possibility of corrosion and/or conductivity and/or reduce the vibrations and/or noise of the mirror assembly.

As to the limitations of claims 9 and 10, it is well known to manufacture swivel pins of a plastic material in the same field of endeavor for the purpose reducing weight, corrosion, conductivity, and/or vibrations.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the swivel pin of Charlet to include a plastic material, as is well known in the art, in order to reduce manufacturing costs, reduce the weight of the mirror assembly, reduce the possibility of corrosion and/or conductivity and/or reduce the vibrations and/or noise of the mirror assembly.

3. Claims 3, 6, 7, 8, 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Proper antecedent basis for the stops.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the stops must be shown and properly labeled or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. Claims 1-13 are objected to because of the following informalities:

In claim 1, line 1, the language "the hinged" should be changed to read --a hinged--.

In claim 1, line 11, the language --of said flange-- should be inserted after "edge".

In claims 8 and 13, line 2, the language "the swivel pin (1) cylindrical wall" should be changed to read --a cylindrical wall of said swivel pin--.

Appropriate correction is required.

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,895,652 to Zach, U.S. Patent 4,263,055 to Permar and U.S. Patent 4,610,373 to Sherbondy each teach it is known to manufacture coil springs of a plastic material.

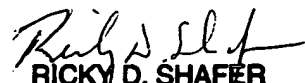
U.S. Patent 5,949,591 to Whitehead, U.S. Patent 6,130,514 to Oesterholt et al, U.S. Patent 6,382,805 to Miyabukuro and U.S. Patent 6,672,726 to Boddy et al each teach it is known to manufacture swivel pins of a plastic material.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS

March 12, 2005


RICKY D. SHAFER
PATENT EXAMINER
ART UNIT ~~2507~~ 2872